IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 12676 of 2003

Between:

1. S.Bujjamma, w/o Sundara Raja Rao, 55 yrs.
2. S.Sundara Raja Rao, s/o Raghavulu Naidu, 60 yrs.
3. V.Sundaraja Rao, s/o Subba Naidu, 50 yrs.
4. P.Nirmala, d/0 Prabhakar Rao, 45 yrs.
5. V.Devasena, d/o Sundara Raja Rao, 40 yrs.
6. V.Snehalatha, d/o Sundara Raja Rao,48 yrs.
7. V.Gopi Naidu, s/o Hanumaiah, 35 yrs.
8. P.Dayakar, s/o Sundaramaiah, 34 yrs.
9. K.Krishnaiah, s/o Subba Raju, 35 yrs.
10. K.Ragaiah, s/o Subba Raju, 30 yrs.
11. Shaik Masthan Saheb, s/o Chinna Ninu Saheb, 50 yrs.
12. K.Bhaskar Rao, s/o Sundaramaiah, 50 yrs.
13. Konduru Surendra, s/o Late Konduru Ramanaiah, 27 yrs,.
14. T.Venkataiah, s/o Adeiah, 56 yrs.
15. R.Ankamma,. w/o Venkatesu, 55 yrs.
16. Patnam Saibaba, s/o Govindu Swamy, 54 yrs.
17. R.Sundararamaiah, s/o Raghavulu lNaidu, 60 yrs.
18. R.Venaiah, s/o Venkatesu, 50 yrs.
19. T.Srinivasulu, s/o Late T.Veeraiah, 50 yrs.

20. S.Raghavendra Rao, s/o Sundra Raja Rao, 47 yrs.

21. G.Venkateswarlu, s/o Veeraswamy, 35 yrs.

22. T.Polaiah, s/o Late T.Ankaiah, 49 yrs.

23. M.Balasubrahmanyam Reddy, s/o Krishna Reddy, 45 yrs.

24. K.Chinnaiah, s/o Govindaiah, 48 yrs.

25. D.Rosi Reddy, s/o Subba Rami Reddy, 54 yrs.

(All the petitioners are residents of Kogili village, Chittamuru Mandal, Nellore District.)

..... PETITIONERS

AND

1. The Government of Andhra Pradesh , rep. by its Secretary,

Agricultural & Co-operative (Coop VI) Department,

Secretariat Buildings, Hyderabad.

2. The District Central Co-operative Bank, Nellore, rep.by

its Manager, Nellore, Nellore District.

3. Primary Agricultural Co-operative Credit Society Kogili, rep. by its

Chairman (Persons-in-charge Committee)

Kogili, Chittamuru Mandal, Nellore District.

4. The Chief General Manager National Bank for Agricultural & Rural Development (NABARD) Regional Office, Musheerabad, Hyderabad.

5. The Managing Director, APCOB, Andhra Pradesh, Hyderabad at Abids.

(R.4 and R.5 are impleaded as per Court order dated 21.07.2004 in W.P.M.P.No.8551 of 2004)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or direction declaring the

action of the respondents in insisting the payment of loan amount advanced to the petitioners and repayable under one time settlement without extending the time in view of prevailing drought conditions as illegal and arbitrary and consequently direct the respondents to extent the time for repayment of remaining 75% of loan amount payable under one time settlement scheme for one year period and furthe4r direct the respondents to extend the interest waiver benefit to the petitioners on the loans advanced and repayable under one time settlement.

Counsel for the Petitioners: Mr.P.GANGA RAMI REDDY

Counsel for the Respondent 1 : GP FOR COOPERATION

Counsel for the Respondent No.5: D.S.N.V.Prasad.

The Court made the following <u>ORDER</u>:

Heard both sides. At their request, the main writ petition itself is taken up for final disposal.

The petitioners, who have obtained the loan from the 3rd respondent-Society, filed this writ petition questioning the action of the respondents in insisting for payment of the loan amount, repayable by them under One Time Settlement Scheme, even though they requested to extend the time in view of prevailing drought conditions.

The case of the petitioners in brief is that having regard to the settlement arrived at under One Time Settlement Scheme, the petitioners have already paid 25% of the loan amount on 31-03-2002. However, in view of prevailing drought conditions and financial difficulties, they could not pay the remaining 75% of the loan amount. Therefore, they sought for a direction to the respondents to extend time for payment of the remaining 75% of the loan amount, payable under One Time Settlement Scheme, and further to direct the respondents to extend the interest waiver benefit to them on the loans advanced and repayable under the said Scheme.

Having considered the submissions made on either side and from a perusal of the material on record, it is seen that there is no denial by the respondents about the petitioners obtaining the loan from the 3rd respondent-Society and that the same was fell due, and that in view of One Time Settlement Scheme, they have paid 25% of the loan amount. Having regard to the same, without going into the merits or other questions raised in this writ petition, it would suffice, in the interest of justice to grant some time for the petitioners to discharge the entire balance liability.

The writ petition is accordingly disposed of permitting the petitioners to pay the remaining 75% of the loan amount on or before 31-12-2004. In case of default, it shall always be open for the respondents to proceed against the petitioners for recovery of the amount, in accordance with law. No costs.

02-08-2004

GJ

Sd/-S.VARALAKSHMI

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary, Government of Andhra Pradesh ,

Agricultural & Co-operative (Coop VI) Department,

Secretariat Buildings, Hyderabad.

2. The Manager, District Central Co-operative Bank, Nellore,

Nellore District.

3. The Chairman (Persons-in-charge Committee), Primary Agricultural

Co-operative Credit Society Kogili, Chittamuru Mandal,

Nellore District.

4. Two C.Cs. to the Government Pleader for Co-operation, High Court Buildings, Hyderabad (OUT)

5. The Chief General Manager, National Bank of Agricultural & Rural Development (NABARD) Regional Office, Musheerabad, Hyderabad.

6. The Managing Director, APCOB, Andhra Pradesh, Hyderabad.

7. Two C.D. copies.

8. One CC to Mr. Gangarami Reddy, Advocate.

9. One CC to Mr. D.S.N.V. Prasad, Advocate.

GPK